



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

#10

S. Zand
6/10/03

In re the application of)

Schweitzer et al.)

Group Art Unit: 2142)

Application No. 09/935,131)

Examiner: Thompson, Marc D.)

Filed: 08/21/01)

Attorney Docket No. XACTP015B)

For: SYSTEM, METHOD AND
COMPUTER PROGRAM PRODUCT
FOR POLICY-BASED BILLING IN A
NETWORK ARCHITECTURE)

RECEIVED

JUN 05 2003

Assistant Commissioner for Patents
Washington, D.C. 20231

Technology Center 2100

**DECLARATION OF PRIOR INVENTION IN THE UNITED STATES
OR IN A NAFTA OR WTO MEMBER COUNTRY
TO OVERCOME CITED PATENT OR PUBLICATION (37 C.F.R. section 1.131)**

PURPOSE OF DECLARATION

1. This declaration is to establish completion of the invention in this application in the United States, at a date prior to March 15, 1999, that is the effective date of the prior art article (Roberts, "Rich Data About Customer Usage - Narus's Semantic Traffic Analysis", from Internet World, v5, n10, p27, March 15, 1999) that was cited by the examiner.
2. The person making this declaration is an inventor, Tal Givoly.

FACTS AND DOCUMENTARY EVIDENCE

3. To establish the date of completion of the invention of this application, the following attached exhibit and statement are submitted as evidence:

EXHIBIT A - An internal presentation produced at least as early as 01/01/1999 showing that the invention set forth in the above patent application was conceived at least in part by me at least as earlier as 01/01/1999.

STATEMENT: I, Tal Givoly, hereby state that the invention in the above application was conceived at least in part by me at least as earlier as 01/01/1999, as evidenced by EXHIBIT A. Such invention was conceived of as being capable of receiving a plurality of packets at a plurality of analyzers; aggregating the plurality of packets; analyzing the plurality of packets to identify a plurality of flows; identifying a session associated with the flows; identifying at least one application associated with the session; reconstructing the session utilizing the identified application at a plurality of collaborating nodes; identifying a user associated with the session; determining a policy; and billing the user for the session in accordance with the policy, as well as various other features embodied in the claims and specification of the above patent application.

From this exhibit and statement, it is clear that the invention in this application was conceived of at least as early as 01/01/1999.

DILIGENCE

4. It is hereby declared that applicants acted diligently from a time just prior to the effective date of the citation of the Roberts Article, up to reduction to practice or the filing of the above application.

TIME OF PRESENTATION OF THE DECLARATION

5. This declaration is submitted prior to final rejection.

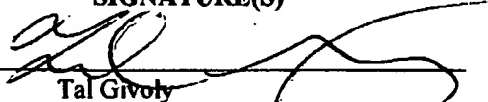
DECLARATION

6. As a person signing below:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

Inventor's signature:


Tal Givoly

Date: May 22, 2003

Country of Citizenship:

ISRAEL

Residence:

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